

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 3/25/2020
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MARCUS EUGENE DASH,

Plaintiff,

-v-

DOWNSTATE CORRECTIONAL FACILITY, et al.,

Defendant.
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19-cv-5448 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

Under Rule 41(b) of the Federal Rules of Civil Procedure, upon consideration of certain factors including notice to the plaintiff, a district court may dismiss an action *sua sponte* for failure to prosecute. *LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001); *see, e.g., Abdallah v. Ragner*, 2013 WL 7118083, at *4 (S.D.N.Y. Nov. 22, 2013) ("A plaintiff is required to notify the Court when his address changes, and failure to do so is sufficient to justify dismissal of a plaintiff's complaint.") (citing *Fields v. Beem*, 2013 WL 3872834, at *2 (N.D.N.Y. July 24, 2013) (collecting cases)).

Plaintiff was ordered on November 13, 2020 to file a letter, by December 13, 2020, providing additional information with which the New York State Attorney General could identify the John Doe Defendant in this case, and was advised that until such information was provided and John Doe was identified, "service cannot be effected and the case cannot proceed further." Dkt. No. 17. Plaintiff has made no such filing, and the order directing him to do so, which was mailed to Plaintiff's listed address, was returned to sender.

The Court hereby notifies Plaintiff that should he fail to update the Court with his new address within 30 days of the date of this Order, the Court will dismiss the action for failure to prosecute. The Clerk of Court is respectfully directed to mail a copy of this order to Plaintiff at the address on record.

SO ORDERED.

Dated: March 25, 2021
New York, New York



LEWIS J. LIMAN
United States District Judge